

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

National Association of Diversity Officers
in Higher Education, et al.,

Plaintiffs,

v.

Donald J. Trump, in his official capacity as
President of the United States, et al.,

Defendants.

Civil Action No. 1:25-cv-333-ABA

PLAINTIFFS' NOTICE OF CORRECTION AND SUPPLEMENTAL FACTS

1. Plaintiffs wish to inform the Court of a correction and factual developments relevant to Plaintiffs' pending motion for a temporary restraining order and/or preliminary injunction, ECF No. 27.

Notice of Correction

2. Plaintiffs' counsel learned that there was an inadvertent mistake in one of the declarations submitted to the Court along with Plaintiffs' brief in support of their motion. Specifically, in paragraph 21(d)(iii) of the Declaration of Todd Wolfson, ECF 27-24, the declarant stated that a member of AAUP had "received an email from NOAA instructing them to remove their pronouns from emails." That was not correct. The AAUP member clarified that a colleague of hers, a federal employee, had been instructed to remove pronouns from their emails, which led to the member's concern that their research collaboration would be impacted as well. In addition, in paragraph 3, the date Mr. Todd Wolfson was elected President of AAUP was incorrectly listed as October 2024, rather than June 2024.

3. Counsel apologizes to the Court for these oversights and brought them to the Court's attention as soon as the declarant was able to verify the facts. A Corrected Declaration of Todd Wolfson (AAUP) is attached to this notice as Attachment A. A redline against the original declaration is attached as Attachment B.

Notice of Additional Facts

4. Plaintiffs submitted notices that Plaintiff Baltimore received from AmeriCorps with their Reply of February 18. Those notices stated that the recipient must "certify that [it] complies with all administration Executive Orders and does not include any activities that promote DEI activities," and set a response deadline of February 19. *See, e.g.*, ECF Nos. 39-10 - 39-12.
5. Plaintiffs' counsel understood Defendants' counsel to inform the Court during the February 19 hearing, in sum and substance, that the certifications required under the Executive Orders did not require grant and contract recipients to certify to anything beyond their compliance with federal anti-discrimination laws.
6. Plaintiffs' counsel attach hereto a letter received by the North Carolina Housing Coalition from AmeriCorps on February 14, 2025, requiring a certification that is in substance identical to letters previously submitted to the Court because their grant narrative included the phrase "Racial Equity." *See* Attachment C.
7. North Carolina Housing Coalition responded by certifying that "North Carolina Housing Coalition, 24VS264966 complies with administrative Executive Orders and does not violate Federal anti-discrimination laws." *See* Attachment D.
8. AmeriCorps replied to this certification by stating that it was insufficient. It cited the instructions in its initial letter that, "If any activities outlined in your application or VADS

do not fully comply with the executive orders, you cannot self-certify and must amend your grant or relinquish the award.” It identified the following two issues in NC Housing Coalition’s application that needed “clarification”:

- a. “The need narrative includes the following terms: racial equity”
 - b. “The VISTA Assignment narrative includes the following terms: equity.”
9. AmeriCorps required North Carolina Housing Coalition to “provide a justification or amend your award to address this real or perceived noncompliance **by Friday, February 21 12:00pm ET.**” Attachment D (emphasis in original). *See* Attachment E.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2025, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system to all counsel of record.

/s/ Ananda Burra
Ananda Burra
Counsel for Plaintiffs